

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Herbert McDowell, #145167,)	C/A NO. 3:10-1959-CMC-JRM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Jon Ozmint, Director of South Carolina)	
Department of Corrections; Ann Hallman,)	
Inmate Grievance Administrator; and)	
Vera Jenkins, Inmate Grievance)	
Coordinator,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation ("Report"). On June 3, 2011, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted and this matter dismissed with prejudice. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.¹

¹On June 16, 2011, Plaintiff filed a motion for extension of time to file objections, citing a purported institutional lockdown. Dkt. #26. The motion was granted on June 20, 2011, giving Plaintiff until June 30, 2011 to file objections. On June 24, 2011, Defendants filed an objection to Plaintiff's motion, attaching an affidavit of Jeanette Mack, Administrative Specialist at Lieber Correctional Institution. Mack attests that neither Plaintiff nor his housing unit were on lockdown

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this order.

Defendants' motion for summary judgment is **granted** and this matter is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 7, 2011

status at the time he filed his motion. Affidavit of Jeanette Mack at 2 (Dkt. #29-1, filed June 24, 2011). Plaintiff has not responded to Defendants' motion, nor has he filed objections to the Report.